

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**PERRY O. MACKALL,**

Plaintiff,

v.

Case No. 05-71493  
Hon. Bernard A. Friedman

**JOSEPH NOVAK, *et al.*,**

Defendants.

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**MEMORANDUM OPINION AND ORDER**

This matter is before the Court on Magistrate Judge Steven D. Pepe's Report and Recommendation dated January 31, 2006. No objections were filed thereto.

This Court has had an opportunity to fully review this matter and believes that the Magistrate Judge has reached the correct conclusions for the proper reasons.

ACCORDINGLY:

IT IS HEREBY ORDERED that Magistrate Judge Steven D. Pepe's Report and Recommendation dated January 31, 2006, is hereby accepted and adopted.

IT IS FURTHER ORDERED that defendants' motion for dismissal is granted.

\_\_\_\_\_  
March 6, 2006  
Detroit, Michigan

\_\_\_\_\_  
s/Bernard A. Friedman

BERNARD A. FRIEDMAN  
CHIEF JUDGE

**I hereby certify that a copy of the foregoing document  
was served this date upon counsel of record  
electronically and/or via first-class mail.**

\_\_\_\_\_  
**/s/ Patricia Foster Hommel**  
**Patricia Foster Hommel**  
**Secretary to Chief Judge Friedman**